

Application for Expunction of Minor Convictions
Revised 8-9-06

This package constitutes the statutory requirement of this court to inform you of your right to expunction as provided by 45.054 C.C.P, 45.0216 C.C.P., 106.12 (a)A.B.C. 161.255 H.S.C., It includes legal requirements, rules, court procedures and forms required for all types of Municipal Court Expunctions. The type of expunction that pertains to your case is checked below. The role of the Municipal Court Clerk's office is to provide you with this package. Court staff is prohibited in advising or assisting you in the preparation of your petition for expunction. You have a constitutional right to retain legal council at your own expense or you can represent yourself in this action as a "pro se" defendant.

☐ **Has paid the filing fee of \$30.00 (Effective 1/1/06)**

Expunction by case type:

- ☐ Minor driving under the influence, possession or consumption of alcohol 106.12 ABC
- ▽ Must have passed your 21st birthday
 - ▽ Offense occurred before 21st birthday (legal drinking age)
 - ▽ May not have been convicted of any other alcohol related offenses
- ☐ Minor in possession or consumption of tobacco products 161.255 HSC
- ▽ Must have completed the tobacco awareness program ordered by the court
 - ▽ Offense occurred before 18th birthday
- ☐ Youth in violation of the Failure to attend school 45.054 CCP
- ▽ Must be 18 years of age or older
 - ▽ Offense must have occurred prior to the 18th birthday
 - ▽ May not have been convicted of a subsequent offense for failure to attend school
- ☐ Child convicted of Penal Code, Penal Ordinance, or Education Code offense 45.0216 CCP
- ▽ A violation of Public Intoxication is not eligible for expunction
 - ▽ Must be 17 years of age or older
 - ▽ Offense must have occurred before the 17th birthday
 - ▽ May not have been convicted of any other offenses listed in this category

Cause Number: _____

(To be issued by the court)

Ex Parte

In the Municipal Court

Vs.

City of Round Rock

Petitioner

Williamson County, Texas

Petition for Expunction

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes _____, Petitioner, and moves the Court to order expunction of all criminal records and files pertaining to the prosecution of petitioner described below, and would respectfully show as follows:

I am _____ years of age at the filing of this petition.

1. The following information regarding petitioner is included pursuant to _____
(Chapter & Code this petition is filed under)

Name: _____ Date of birth: _____

Sex: Male / Female Race: _____

Driver's License #/State: _____ Social Security #: ____/____/____

Address at the time of the incident: _____

2. _____, defendant in the original case and petitioner, was charged with the offense _____, and the following information is also provided as required by law or rules of this court.

Date of alleged offense: _____ Date of arrest: _____ in the county of _____ and by (Police agency)

_____, located at the address of

_____.

3. The case was filed in Round Rock Municipal Court as a class C Misdemeanor under the cause number _____. After the case was heard a judgment was entered on the _____ day of _____, 20_____.

4. Petitioner has reason to believe that the following entities or agencies can be contacted at the following full mailing address and may have records of files that are subject to expunction:

Name:	Round Rock Municipal Court
# & Street	301 W. Bagdad Ave, Suite 120
City, State & Zip	Round Rock, Texas 78664

I, _____, herein named Petitioner, do so solemnly swear that the information provided in this petition is true and correct.

Petitioner/Defendant

Sworn and subscribed before me on this _____ day of _____, 20_____.

Notary Public / Deputy Clerk of the Round Rock Municipal Court
Williamson County, Texas

Affidavit of Criminal Conviction

Petitioner was not convicted while Petitioner was under the age of _____ years of any offense described by Section 8.07 (a)(4) or (5), Penal Code, other than the offense Petitioner seeks to have expunged.

Petitioner/Defendant

Sworn and subscribed before me on this _____ day of _____, 20_____.

Judge of the Round Rock Municipal Court
Williamson County, Texas



EXPUNCTION OF MINOR CHILD CHARGED WITH PENAL OFFENSE:

Art. 45.0216. Expunction of Certain Conviction Records of Children

- (a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.
- (b) A person convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child may, on or after the person's 17th birthday, apply to the court in which the child was convicted to have the conviction expunged as provided by this article.
- (c) The person must make a written request to have the records expunged. The request must be under oath.
- (d) The request must contain the person's statement that the person was not convicted while the person was a child of any offense described by Section 8.07(a)(4) or (5), Penal Code, other than the offense the person seeks to have expunged.
- (e) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.
- (f) If the court finds that the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child, the court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record. After entry of the order, the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.
- (g) This article does not apply to any offense otherwise covered by:
 - (1) Chapter 106, Alcoholic Beverage Code;
 - (2) Chapter 161, Health and Safety Code; or
 - (3) Section 25.094, Education Code.
- (h) Records of a person under 17 years of age relating to a complaint dismissed as provided by Article 45.051 or 45.052 may be expunged under this article.
- (i) The justice or municipal court may not require a person who requests expungement under this article to pay any fee or court costs.
- (j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

Added by Acts 2001, 77th Leg., ch. 1297, Sec. 50, eff. Sept. 1, 2001.

EXPUNCTION OF MINOR CHARGED WITH ALCOHOL OFFENSE:

§ 106.12. Expungement of Conviction of a Minor

- (a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.
- (b) The application shall contain the applicant's sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged.
- (c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

Acts 1977, 65th Leg., p. 515, ch. 194, § 1, eff. Sept. 1, 1977. Amended by Acts 1981, 67th Leg., p. 258, ch. 107, § 13, eff. Sept. 1, 1981; Acts 1985, 69th Leg., ch. 285, § 11, eff. Sept. 1, 1986; Acts 1985, 69th Leg., ch. 462, § 12, eff. Sept. 1, 1986.

EXPUNCTION OF MINOR CHARGED WITH HEALTH AND SAFETY CODE

§ 161.255. Expungement of Conviction

An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the tobacco awareness program or tobacco-related community service ordered by the court, the court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.